

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 9, 2007

D048368 People v. Parrish

The petition for rehearing is denied.

D048455 People v. Harris

The judgment is affirmed. Aaron, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

D049016 People v. Leyva

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D048540 Hildebrand v. Department of Motor Vehicles

Order certifying opinion for publication.

D050304 In re Phoenix H. et al., Juveniles

The appeal is dismissed. CERTIFIED FOR PUBLICATION. McConnell, P.J.; We Concur: Benke, J., McIntyre, J.

D050455 People v. Dicharry

The judgment is affirmed. McIntyre, Acting P.J., We Concur: O'Rourke, J., Aaron, J.

D051192 Sanders v. The Superior Court of Imperial County/People

The petition is denied.

Court convened at 9 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and the Honorable Associate Justices James McIntyre and Terry O'Rourke

Clerk: D Moore

D048579 People v. Diblasi

Cause called on merits. Keith H. Rutman, Esq. argued for appellant. Laurie Hauf, Certified Law Student argued for respondent. Mr. Rutman replied. Cause submitted.

D046906) K2 Construction v. Anjani

D046953) K2 Construction v. Anjani Investments, Inc., et al.

Cause called on merits. James C. Mitchell, Esq. argued for appellant. Alan Michael Mirman, Esq. argued for respondent, Comerica Bank. Jeffrey Robert Sykes, Esq. argued for respondent, K2 Construction. Mr. Mirman replied. Cause submitted.

Court recessed at 9:42 a.m. until 10 a.m.

Court reconvened at 10 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 9, 2007 (Continued)

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion

D051050 In re Maria V., et al., juveniles

Matter called on merits. Gary Seiser, Deputy County Counsel argued for appellant, County. Michael Bradfield, Esq. argued for appellant, Maria V. Robert Gulemi, Esq. argued for respondent, Mayra V. Richard Siref, Esq. argued for respondent, Calixto H. Mr. Seiser replied. Mr. Bradfield replied. Mr. Gulemi replied. Matter submitted.

Court recessed at 10:21 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Richard Huffman
Clerk: D Moore

D050340 Metropolitan Transit System v. Superior Court/Balfour Beatty/Ortiz Enterprises, Inc.-RPI

Matter called on merits. Gregory Starr Markow, Esq. argued for petitioner. Kirk S. MacDonald, Esq. argued for real party in interest. Mr. Markow replied. Matter submitted.

D049741 Goldfarb. v. Allan

Cause called on merits. Todd M. Sloan, Esq. argued for appellant, Allan. Richard Joseph Grant, Esq. argued for appellant, Andrews. Stephen F. Yunker, Esq. argued for respondent. Mr. Grant replied. Mr. Sloan replied. Cause submitted.

Court recessed at 2:37 to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Judith Haller and Joan Irion

D049250 Poway Royal Mobilehome Owners Association, et al. v. Poway Redevelopment Agency et al.

Cause called on merits. James C. Mitchell, Esq. argued for appellant. Douglas Jay Evertz, Esq. argued for respondent. Mr. Mitchell replied. Cause submitted.

Court recessed at 3 p.m. until Tuesday, July 10, 2007 at 9 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 9, 2007 (Continued)

D051050 In re Maria V., Juveniles

The petition for writ of supersedeas and appendix, minors' joinder, and parents' responses have been read and considered by Presiding Justices McConnell and Associate Justices McDonald and Irion. The court has also considered the parties' oral arguments of July 9, 2007. The petition is granted. Enforcement of the juvenile court's order of June 11, 2007, dismissing the minors' dependency petitions and ordering the minors returned to their parents' custody is stayed until further order of this court. In addition, until further order of this court, the juveniles are to continue being detained and the juvenile court may exercise temporary emergency jurisdiction under Family Code section 3424, subdivision (a), including authorizing visitation with and services for the parents. On or before July 13, 2007, Appellate Defendants is directed to submit a recommendation for counsel to represent each parent in this matter. On the court's own motion, the briefing schedule is expedited as follows: appellants' opening briefs will be due within 20 days after the record on appeal is filed. Respondents' briefs will be due within 20 days after appellants' opening briefs are filed. Appellants' reply briefs will be due within 10 days after respondents' briefs are filed. No extension of time will be granted without a showing of extraordinary good cause. Absent a written request for argument within five days after appellants' reply briefs are filed, oral argument will be deemed waived. If a party requests oral argument, the request should be in letter form with proof of service on the other parties. The letter should also identify the focus of the party's argument and the amount of time requested, not to exceed 15 minutes.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 10, 2007

D049285 People v. Cruz

The court's imposition of an upper term sentence for assault with a deadly weapon and battery with serious injury is reversed, and we remand this matter for further proceedings not inconsistent with this opinion and Cunningham, supra, 549 U.S. ____ [127 S. Ct. 856]. In all other respects, the judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., McDonald, J.

D050146 People v. Rizo

The sentence is vacated and the case is remanded to the trial court for a new sentencing hearing. On remand, the trial court is directed to consider any motion to appoint new counsel and/or withdraw the guilty plea and to conduct such further hearing as may be appropriate. In all other respects, the judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., Haller, J.

D050235 In re R.E., a Juvenile

Judgment affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McDonald, J.

D050096 People v. Parchman

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., McDonald, J.

D050209 In re Christopher H., a Juvenile

The judgment is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., Irion, J.

D050264 Fletcher Team Inc., v. Prize Properties LLC.

Appellant has failed to respond this court's order of April 30, 2007. Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a).

The appeal is dismissed.

D049486 People v. Gradney

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D050588 In re Hannah M. et al., Juveniles

The appeal is dismissed. Aaron, J.; We Concur: Benke, Acting P.J., Irion, J.

D049577 Arko v. Buckner et al.

On the Court's own motion the order dismissing the appeal is vacated and the appeal is reinstated.

Court convened at 9 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Alex McDonald

Clerk: D Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 10, 2007 (Continued)

D048681 People v. McNeal

Cause called on merits. Barbara A. Smith, Esq. argued for appellant. Sabrina Lane-Erwin, Deputy Attorney General argued for respondent. Ms. Smith replied. Cause submitted.

D048179 Handlery Hotel, Inc. v. Meza

Cause called on merits. George Frederick Schaefer, Esq. argued for appellant. Jennifer Nicole Lutz, Esq. argued for respondent. Mr. Schaefer replied. Cause submitted.

Court recessed at 9:42 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Gilbert Nares

D049194 Christie v. Flynn

Cause called on merits. Kathleen Christie, pro per was present in oral argument for appellant. Stephen T. Siegler, Esq. was present in oral argument for respondent. Both Ms. Christie and Mr. Siegler waived oral argument, and submitted on the briefs. Cause submitted.

Court recessed at 9:50 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Terry O'Rourke

D047442 Pacific Star Ventures, LLC, et al. v. Tan et al.

Cause called on merits. James S. Marinos, Esq. argued for appellant. Neal P. Panish, Esq. argued for respondent, Pacific Star Ventures. Wesley R. Thompson, Esq. argued for respondent, Pacific Star Ventures. Mr. Marinos replied. Cause submitted.

Court recessed at 10:38 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron
Clerk: D Moore

D049438 Amador v. San Diego Country Club et al.

Cause called on merits. A. David Mongan, Esq. argued for appellant. Brian Henry Kim, Esq. argued for respondent. Mr. Mongan replied. Cause submitted.

Court recessed at 1:49 a.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

D048133 People v. Ranger Insurance Company

Cause called on merits. Karen Denise Hill, Esq. argued for real party in interest and appellant. Leonard W. Pollard, Deputy County Counsel argued for respondent. Ms. Hill replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 10, 2007 (Continued)

Court recessed at 2:16 p.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke

D049087 Tachs Property Development v. Xinos

Cause called on merits. Bonnie E. Kane, Esq. argued for appellant. Jennifer L. Barry, Esq. argued for respondent. Ms. Kane replied. Cause submitted.

Court recessed at 2:54 p.m. to change panel members. New panel members: The Honorable Terry O'Rourke, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

D047896 Feldman v. Feldman

Cause called on merits. Honey Kessler Amado, Esq. argued for appellant. Stephen Temko, Esq. argued for respondent. Ms. Amado replied. Cause submitted.

Court recessed at 3:52 p.m. until Wednesday, July 11, 2007 at 9 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 11, 2007

D048448 In re the Marriage of Gaffney

We reverse that portion of the trial court's April 10, 2006 order regarding child support. In all other respects the order is affirmed. On remand, the trial court shall recalculate the child support award without considering, either directly or indirectly, Roxanne's income. (See *Wood, supra*, 37 Cal.App.4th at p. 1066 [discretion of trial court under (Fam. Code) section 4057, subdivision (b)(5) to deviate from guideline amount when it would be "unjust or inappropriate due to special circumstances" does not give the court the ability to indirectly consider subsequent spouse's income in the absence of a resulting extreme hardship to the child].) The parties are to bear their own costs on appeal. Aaron, J.;

We Concur: McDonald, Acting P.J., O'Rourke, J.

D047058 Helleis v. 350 W.A. et al.

The judgment is affirmed. Respondent is awarded its attorney fees and costs on appeal. On remand, the trial court shall determine the reasonable attorney fees and costs. McIntyre, J.;

We Concur: McConnell, P.J., Nares, J.

D047837 Friedman v. Manuel

The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D050387 People v. Caesar et al.

The opinion filed June 19, 2007, is ordered certified for partial publication.

D049294 Furey v. Blockbuster, Inc.

The summary judgment is reversed. Costs on appeal to Furey. Huffman, J.;

We Concur: McConnell, P.J., McIntyre, J.

D044695 Pointe San Diego Residential Community, LP v. W.W.I. Properties, L.L.C.

The portion of the judgment awarding punitive damages to Pointe is reversed and the matter is remanded for determination of whether Astra is entitled to punitive damages under Pointe's seventh cause of action for breach of fiduciary duty and, if so, the amount. The portion of the judgment awarding PSDMU damages against Atlas and Weingarten for permanent trespass is reversed. The portions of the judgment making Weingarten jointly and severally liable to Gosnell for breach of the DMA and to PSDMU for conversion and nonpermanent trespass are reversed. The portion of the judgment making AHG jointly and severally liable for costs is reversed. The judgment is otherwise affirmed. The order granting Pointe a new trial on the seventh cause of action for breach of fiduciary duty is reversed. The order denying Pointe and Gosnell's motions for attorney fees is reversed and the matter remanded for determination of the amount of attorney fees to be awarded based on an apportionment of fees between claims for which they are recoverable and claims for which they are not recoverable. The parties shall bear their own costs on appeal. McDonald, J.; We Concur: Huffman, Acting P.J., Irion, J.

D050522 In re Colin W., a Juvenile

The appeal is dismissed. McIntyre, J.; We Concur: McConnell, P.J., Benke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 11, 2007 (continued)

D050904 Ruby G. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed by Hector G. His notice of intent is deemed to be abandoned. The case is DISMISSED.

D050989 Keith N. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely amended petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is DISMISSED.

D051159 In re Lewis on Habeas Corpus

The petition is denied.

D049438 Amador v. San Diego Country Club et al.

The judgment is affirmed. Olivia Amador is awarded costs on appeal. O'Rourke, J.; We Concur: Nares, Acting P.J., Aaron, J.

Court convened at 9 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Joan Irion
Clerk: D Moore

D048701 Parker v. Winslow

Cause called on merits. James C. Mitchell, Esq. argued for appellant. Jenny K. Goodman, Esq. argued for respondent. Mr. Mitchell replied. Cause submitted.

D049047 Mercer v. Storeim

Cause called on merits. Ron A. Stormoen, Esq. argued for appellant. Edward J. McIntyre, Esq. argued for respondent. Mr. Stormoen replied. Cause submitted.

Court recessed at 10:08 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion

D049389 Jauregui et al. v. Culture of Life Family Services

Cause called on merits. Ronald R. Giusso, Esq. argued for appellant. Shirley Gauvin, Esq. argued for appellant. Douglas W. Lytle, Esq. argued for respondent. Mr. Giusso replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
July 11, 2007 (continued)

D047382 O'Sullivan v. City of San Diego

Cause called on merits. George F. Schaefer, Esq. argued for appellant. Paul R. Kennerson, Esq. argued for respondent. Mr. Schaefer replied. Cause submitted.

Court recessed at 11:06 a.m. to change panel members. New panel members: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron

D046614 People v. Bradford

Cause called on merits. . Stephen M. Lathrop, Esq. argued for appellant. Peter Quon, Deputy Attorney General argued for respondent. Cause submitted.

Court recessed at 11:40 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and James McIntyre
Clerk: D Moore

D046197 People v. Jespersen

Cause called on merits. Chuck Sevilla, Esq. argued for appellant. Randall D. Einhorn, Deputy Attorney General argued for respondent. Mr. Sevilla replied. Cause submitted.

D049610) Coachella Valley Water District v. Imperial Irrigation District

D049636) Coachella Valley Water District v. Imperial Irrigation District

Cause called on merits. Charles A. Bird, Esq. argued for appellant. Dean E. Dennis, Jr., Esq. argued for respondent. Mr. Bird replied. Cause submitted.

Court recessed at 3:15 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

D049558 Lawrence et al. v. Barona Band of Mission Indians

Cause called on merits. Bonnie E. Kane, Esq. argued for appellant. Kathryn Clenney, Esq. argued for respondent. Ms. Kane replied. Cause submitted.

Court recessed at 4 p.m. until Thursday, July 12, 2007 at 9 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 11, 2007 (continued)

D050287 People v. Franklin

Upon filing an abandonment of appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 12, 2007

D050062 In re William S. et al., a Juvenile

The judgments and orders are affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D050118 In re Mollie U., a Juvenile

The order is affirmed. Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

D051093 In re Pratts on Habeas Corpus

The petition is denied.

D048473 Horton Jr. v. Commission on Teacher Credentialing

Appellant's petition for rehearing and motion to augment record on appeal are denied.

D048373 Valentine v. Flowers et al.,

The petition for rehearing is denied.

D050868 Zachariah V. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is DISMISSED.

Court convened at 9 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Alex McDonald

Clerk: D Moore

D049566 People v. Ceja

Cause called on merits. Richard De La Sota, Esq. argued for appellant. Grace, Hwang, Certified Law Student argued for respondent. Mr. De La Sota replied. Cause submitted.

Court recessed at 9:18 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Richard Huffman

D050464) Wang, et al. v. Wal-Mart Real Estate Business Trust, et al.

D050465) Wang, et al. v. Wal-Mart Real Estate Business Trust, et al.

Cause called on merits. Mohammed K. Ghods, Esq. argued for appellant. Theodore Kelly Stream, Esq. argued for respondent, Wal-Mart Real Estate Business Trust. Stephen David Kaus, Esq. argued for respondent, LSA Associates. Anthony Damon Platt, Esq. argued for respondent, Hall & Foreman, and etc. Mr. Ghods replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
July 12, 2007

Court recessed at 10:23 p.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

Clerk: D Moore

D050159 California Department of Corporations v. Superior Court/Adams, et al.-RPI

Matter called on merits. Donna M. Dean, Deputy Attorney General argued for petitioner. Domini Pham, Deputy Attorney General was present in oral argument for petitioner, but did not argue. Patricia A. Meyer, Esq. argued for real party in interest. Marisa Janine-Paige, Esq. was present in oral argument for real party in interest, but did not argue. Ms. Dean replied. Matter submitted.

D049629 Vera v. Workers' Compensation Appeals Board, et al.

Matter called on merits. David Kepler, Esq. argued for petitioner. David Goi, Esq. argued for respondent. Mr. Kepler replied. Matter submitted.

D049878 City of San Diego v. WCAB/Brooks

Matter called on merits. Paige E. Folkman, Deputy City Attorney argued for petitioner. Thomas I. Hampton, Esq. argued for respondent. Ms. Folkman replied. Matter submitted.

Court recessed at 3:23 p.m. until Friday, July 13, 2007 at 9 a.m.

D051110 Dresick Farms Inc., et al. v. Superior Court of Imperial County/Gonzalez

At the request of petitioners, the petition for writ of mandate is DISMISSED. The motion to seal is DENIED. The clerk is directed to return the conditionally sealed exhibits to petitioners' counsel unless petitioners' counsel notifies the court, within 10 days of the date of this order, that the exhibits are to be filed. (Cal. Rules of Court, rule 8.160(e)(7).) The stay issued June 22, 2007 is VACATED.

D051243 Saudi v. Superior Court of San Diego County/Saudi

The July 11, 2007, order directing petitioner to turn over her minor daughter's passport to attorney Bray is STAYED pending further order of this court.

Real party is directed to file a response to the petition on or before July 17, 2007.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
July 13, 2007

D050340 Metropolitan Transit System v. Superior Court of San Diego County/Balfour Beatty/Ortiz Enterprises, Inc.

The petition is denied. The stay issued on March 15, 2007, is vacated. BBO to recover its costs. (CERTIFIED FOR PUBLICATION) Benke, J; We Concur: McConnell, P.J., Huffman, J.

D050614 People v. Girdner

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.) The motion to augment the record filed on June 27, 2007, is DENIED as moot.

D049939 Insurance Company of the West v. Insurance Ventures, Inc.

The appellant has failed to file an abandonment of the appeal, a request to dismiss the appeal, or a letter stating good cause why the appeal should not be dismissed within 45 days after filing the notice of settlement. Accordingly, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party shall bear its own costs on appeal.

D049047 Mercer v. Storeim

The judgment denying Mercer's petition to confirm the arbitration award and granting Storeim's petition to vacate the arbitration award is reversed, and the trial court is directed to enter a different order granting the petition to confirm the award, in accordance with the views set forth in this opinion. Mercer shall recover his costs on appeal. Huffman, J.; We Concur: Benke, Acting P.J., Irion, J.

D050974 Nathan S., v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

Court convened at 9 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron
Clerk: D Moore

D048938 Accredited Home Lenders, Inc. v. Nacif

Cause called on merits. Glen Russell Roberts, Esq. argued for appellant. Robert P. Allenby, Esq. argued for respondent. Mr. Robert replied. Cause submitted.

Court recessed at 9:28 a.m. until 1:30 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
July 13, 2007 (Continued)

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justice Richard Huffman. (The Honorable Associate Justice Patricia Benke, was present for the oral argument by telephone)

Clerk: D Moore

D048438 Talley v. The Marshall Group, Inc., et al.

Cause called on merits. Robert Scott Dreher, Esq. argued for appellant. Matthew Robert Miller, Esq. was present in oral argument for appellant, but did not argue. Gary Alan Kurtz, Esq. argued for respondent, Kasirer. Arnold Dwight Woo, Esq. argued for respondent, U S Trust Corporation. Jerold V. Goldstein was present in oral argument for respondent, in pro per, but did not argue. Garland A. Kelley, Esq. argued for respondent, Valuation Counselors Group, Inc. Michael H. Gottschlich, Esq. argued for respondent, Dierckman. Christian D. Humphreys, Esq. argued for respondent, The Marshall Group, Inc. Mr. Dreher replied. Cause to be submitted at a later date.

Court recessed at 3:30 p.m. until Tuesday, July 17, 2007 at 9 a.m.